

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Eric Mercer, being duly sworn, state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) and have worked there since January 2020. I am currently assigned to the Bridgewater, Massachusetts, Field Office. Prior to my employment with the ATF, I was employed as a Trooper with the New Hampshire State Police from 2018 to 2020. As an ATF Special Agent, I have training and experience regarding investigations involving firearms and narcotics trafficking and the possession of firearms by prohibited persons, including felons, gang members, parolees, narcotics users, and narcotics traffickers. As a result of my training and experience, I am familiar with methods commonly utilized by firearms and narcotics traffickers in conducting their business.
2. I have participated in various aspects of firearms and narcotics investigations, including physical surveillance, surveillance of controlled purchases involving undercover agents and/or cooperating witnesses, the introduction of undercover agents, the execution of search warrants, the effecting of arrests, and the debriefing of defendants, informants, and witnesses who had personal knowledge regarding firearms and narcotics trafficking organizations.
3. I submit this affidavit for a criminal complaint charging Jose MARRERO (DOB XX/XX/1988) with violations of 18 U.S.C. § 922(g)(1) (Felon-in-Possession of a Firearm and Ammunition) (collectively, the “Specified Federal Offenses”).
4. As set forth below, there is probable cause to believe that MARRERO has committed violations of the Specified Federal Offenses.

5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show that there is probable cause to support the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

6. On November 29, 2023, I applied for and obtained warrants to search MARRERO's residence and his person (the "Warrants"). I submitted an affidavit in support of the Warrants. The affidavit set forth information indicating that MARRERO was suspected of possessing firearms and ammunition between at least February 2023 and May 2023. That affidavit, and the exhibit cited therein, are attached to this affidavit as Exhibit 1 and are incorporated by reference and restated herein for purposes of this affidavit.
7. On November 30, 2023, investigators executed the search warrant at 181 Rockridge Drive Apartment E in Woonsocket, RI. Upon conducting a knock and announce warning, MARRERO came to the door and was detained without issue. Investigators subsequently made contact with Yaraly CABRERA (YOB 1990), who was walking out of the sole bedroom in the apartment. Additional occupants included two sixteen-year-old females sleeping on an air mattress in the living room, as well as two young children sleeping in cribs in the bedroom. Once the scene was secure, MARRERO was provided with a copy of both search warrants.
8. Investigators subsequently escorted CABRERA into the bedroom, where the two young children were sleeping. Investigators advised CABRERA of the search warrants and that a reason investigators were at the residence was due to a number of firearm-related Snapchat posts made by MARRERO. Investigators advised CABRERA that she was not

under arrest and was free to leave the residence with the children. Over the course of the morning, CABRERA did in fact walk in and out of the residence periodically throughout the morning, to include arranging for the children to be picked up by a family member, and was told several times that she was not under arrest and did not need to speak with investigators. She acknowledged that she understood such statements by investigators.

9. Investigators identified both male and female clothing in the bedroom. In the dresser located on the far wall, investigators identified numerous documents with the name “Jose MARRERO” as well as his wallet, containing his Rhode Island driver’s license.
10. In an interview in the bedroom, investigators asked CABRERA if there were firearms present at the residence. CABRERA attempted to reach towards shelving in the rear of the bedroom, where investigators identified a Glock firearms box with the logo facing towards the bed. CABRERA stated there were two firearms. Investigators asked her to describe the firearms and she stated she had a “purple one” “a black one” and that she had a “Blue card”, which investigators know to be a Firearms Safety Certificate.
11. Investigators later opened the box and observed a SCCY CPX-2, 9mm pistol, serial number 862320, loaded with 10 rounds of 9mm ammunition, and a Glock Model 23, .40 caliber, serial number BPKD287, loaded with 7 rounds of .40 caliber ammunition.
12. This firearm is believed to be the same firearm detailed at Paragraph 17 of Exhibit 1 (appearing in MARRERO’s possession during a Snapchat post by MARRERO on February 16, 2023) and at Paragraph 25 of Exhibit 1 (appearing in MARRERO’s possession in a Snapchat post by MARRERO on April 19, 2023).

13. Investigators advised CABRERA they were aware she purchased the purple SCCY CPX-2 in August of 2022, to which CABRERA agreed. Details of that purchase are contained in Paragraph 29 of Exhibit 1.
14. CABRERA claimed that she has never used the firearms in her home, that they do not leave the residence, and that she was planning on attending a firearms safety course. CABRERA claimed that her cousin assisted her with the purchase of the firearms, and she stated they were for protection. When asked if MARRERO went with her to purchase the firearms, she stated no, and that "he can't even go in the gun store."
15. CABRERA stated MARRERO stays at the residence approximately three times per week to assist with their child. CABRERA stated that whenever she leaves the residence, the firearms stay at the residence and although she has gun locks for the firearms, she does not use them.
16. When investigators observed a firearms cleaning kit nearby the Glock box on the shelf in the bedroom, CABRERA stated that MARRERO bought the cleaning kit.
17. CABRERA claimed that there was no ammunition for the firearms. As noted above, however, both firearms were recovered in the bedroom loaded with numerous rounds of ammunition.
18. On a top bedroom shelf, investigators found a box of 30 rounds of .22 caliber ammunition inside of an empty firearms case; a knotted plastic baggie containing 21 rounds of .40 caliber ammunition in a tote on the same top shelf; as well as a box of 18 rounds of .40 caliber ammunition also contained in the tote. Investigators also found 2 rounds of loose ammunition located in two different dresser drawers. One such round of ammunition was found next to a credit card issued in MARRERO's name.

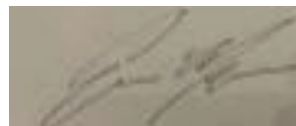
19. Later in the morning, investigators subsequently interviewed CABRERA again. They told her that she was free to leave and that she was not under arrest, all of which she indicated she understood. Investigators asked CABRERA about the Masterpiece Arms Defender 9mm pistol, which she had purchased on August 25, 2022 along with the SCCY pistol. The details of that purchase are included at Paragraphs 29-30 of Exhibit 1.
20. When asked about the Masterpiece Arms pistol, CABRERA appeared not to know what investigators were asking about. Investigators told her that they were aware that on the same date she purchased the SCCY, she had also purchased a second firearm. CABRERA claimed to not have purchased a second firearm on that date. Investigators then showed her a picture of what a Masterpiece Arms pistol looks like, and CABRERA stated generally that she was not familiar with different types of guns. She also claimed that she had not sold any of her firearms. When Investigators asked her where the Masterpiece Arms Defender pistol was, she stated that she no longer wanted to speak with investigators.

CONCLUSION

21. Based on all the foregoing facts, I submit there is probable cause to believe that MARRERO has committed violations of the Specified Federal Offenses.

Sworn under the pains and penalties of perjury.

Respectfully submitted,

A rectangular box containing a handwritten signature in dark ink, which appears to read "Eric Mercer".

Eric Mercer
Special Agent
Bureau of Alcohol, Tobacco & Firearms

Attested to by the applicant in accordance with the requirements of Fed.

R. Crim. P. 4.1 by Sworn telephonically and signed electronically

(specify reliable electronic means)

November 30, 2023

Date

Judge's signature

Providence, Rhode Island

Patricia A. Sullivan, USMJ

City and State

Magistrate Judge Patricia A. Sullivan